



**Dan Skopec**  
*Acting Secretary*

# State Water Resources Control Board

**Division of Water Rights**  
1001 I Street, 14<sup>th</sup> Floor ♦ Sacramento, California 95814 ♦ 916.341.5300  
Mailing Address: P.O. Box 2000 ♦ Sacramento, California 95812-2000  
FAX: 916.341.5400 ♦ [www.waterrights.ca.gov](http://www.waterrights.ca.gov)



**Arnold Schwarzenegger**  
*Governor*

## NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT

**APPLICATION:** 31468

**DATE FILED:** December 1, 2003

**COUNTY:** Santa Cruz

**STREAM SYSTEM:** San Vicente and Mill Creeks

Notice is hereby given that RMC Pacific Materials has filed an application for a water right permit. The State Water Resources Control Board (State Water Board) will determine whether a water right permit should be issued for the application and, if so, whether conditions are needed in the permit to protect the environment, the public interest, and downstream water users. This notice provides a description of the proposed project and also describes the procedure and time frame for submittal of protests against the application. This notice may be viewed at the Division of Water Rights' (Division) website at [www.waterrights.ca.gov](http://www.waterrights.ca.gov). Any correspondence directed to the applicant should be mailed to:

RMC Pacific Materials  
c/o Daniel F. Gallery  
A Professional Corporation  
1112 I Street, Suite 240  
Sacramento, CA 95814-2786

### Description of Project

The applicant seeks to continue to store 14.9 acre-feet (af) of water per year behind a 62-foot-high, 120-foot-long earthen dam, forming an existing 14.9 acre-foot on-stream pond with a surface area of 1.8 acre. Water is diverted by gravity means as follows: (1) San Vicente Creek diversion conveys water via a six-inch diameter pipeline 4.2 miles in length, (2) Mill Creek diversion conveys water via a separate six-inch diameter pipeline 3.5 miles in length, and (3) Unnamed Stream at the overflow pond. Water from points of diversion 1 and 2 is diverted under the applicant's claim of pre-1914 appropriative water right for cement manufacturing. The pipes convey more water than the applicant needs at times for cement manufacturing. The excess water flows into the overflow pond. Point of diversion 3 flows directly from a seasonal stream into the north end of the overflow pond. The maximum rate of diversion to off-stream storage is 0.25 cubic foot per second from points of diversion 1 and 2. The purposes of use are fish and wildlife enhancement and fire protection.

**Summary of Application**

County: Santa Cruz.  
Source: (1) San Vicente Creek tributary to Pacific Ocean,  
(2) Mill Creek tributary to San Vicente Creek, and  
(3) Unnamed Stream tributary to Pacific Ocean.  
Points of  
Diversion: (1) Located within the SE¼ of SW¼ of projected section 15,  
(2) Located within the SE¼ of SW¼ of projected section 23, and  
(3) Located within the NW¼ of SE¼ of projected section 33,  
all within T10S, R3W, MDB&M.  
Amount: 14.9 af per year of storage.  
Season: January 1 through December 31.  
Purposes: Fish and Wildlife Enhancement and Fire Protection .  
Place of Use: Located within the NW¼ of SE¼ of projected section 33, T10S, R3W,  
MDB&M.

**Environmental Information**

The lead agency will determine the appropriate action pursuant to the California Environmental Quality Act (CEQA) and will prepare any appropriate environmental documents for the project according to CEQA and its guidelines, and will determine whether or not the project will cause a significant effect on the environment. If you are not filing a protest, but wish to submit information that indicates the project may cause a significant effect on the environment, please send this information to Steven Herrera; State Water Board, Division of Water Rights; P.O. Box 2000; Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

**PROTEST SUBMITTAL INFORMATION****Protest Requirements**

A person may file a protest based on any of the following factors:

- Interference with prior water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the State Water Board.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. There must be a clear link between the proposed project and the objection to its approval. If the objection is based on interference with prior water rights, the protest must describe specifically what injury would result if the

application is approved. In addition, the party claiming interference with prior rights must provide specific information describing the basis of the prior right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the State Water Board is subject to vested water rights and will include conditions to protect such rights.

If the protest is based on an allegation that the proposed appropriation would not be within the State Water Board jurisdiction, would not best conserve the public interest or public trust uses, would have an adverse environmental impact, or would be contrary to law, the protest must be accompanied by a statement of facts supporting the allegation.

For example, public interest protests should clearly indicate how the appropriation will affect the public; environmental protests should identify specific impacts and provide supporting recitals on the effect of the proposed project on plants, animals, fish, erosion, pollution, aesthetics, etc.; public trust protests must identify the navigable waters and public trust values that would be affected by the proposed project and how the project will impact public trust values.

All protests should include a description of any measures that could be taken to resolve the protest. The protest also must indicate the manner in which the protestant served upon the applicant a duplicate copy of the protest.

If sufficient information is not submitted, the State Water Board may reject the protest or request that the protestant submit additional information. Protests of a general nature (not project specific) or protests that are inconsistent with constitutional or legislated state policy will not be accepted. A request for information or a request that studies be conducted does not constitute a protest.

### **Procedure for Submitting Protests**

Protests should be submitted on standard protest forms available from the Division's website at [www.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/) or upon request, in writing or by telephone, from the Division. A pamphlet that provides additional information relating to water rights and the procedure for filing protests is also available on the website or by mail. Any requests or the submittal of the completed protest form should be directed to the individual listed as the contact person at the end of this notice. **A copy of the completed protest form must also be mailed to the applicant.**

### **Protest Submittal Deadline**

Protests submitted in response to this notice must be received **by the Division by 3:00 p.m. on September 6, 2006** (40<sup>th</sup> day after the date of this notice and the close of the protest period). Protests may be submitted by any of the following methods:

1. Mailed to Division of Water Rights; P. O. Box 2000; Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400
3. E-mailed to the engineer listed below under the heading "Contact Person"
4. Hand-delivered to the Division office located at 1001 "I" Street, 2<sup>nd</sup> Floor (File Room), Sacramento, CA

If you choose to fax or e-mail the protest due to the constraints of the noticing period, the fax or e-mail must be followed by timely delivery of an original signed copy, either personally or by mail, to the Division in order for the protest to be accepted. The State Water Board will respond to all protests within 60 days of the final day to file a protest.

**Protests not submitted by the close of the protest period will be subject to rejection.**

For good cause, the State Water Board may grant an extension of time to file a protest.

It is the protestant's responsibility to contact the engineer listed below as "Contact Person" to request the extension prior to the end of the protest period.

### **Resolution of Protests**

The applicant will have 30 days to respond to a protest once it is accepted by the Division. The protestant and the applicant are expected to make a good faith effort to resolve the protest within 180 days from the close of the protest period.

This is a "minor" project (the proposed diversion is 3 cubic feet per second or less by direct diversion or 200 acre-feet or less per year by storage) as defined by section 1348 of the Water Code. Therefore, any protest issues not resolved by the applicant or by provisions of section 1335 of the Water Code will be decided by the Chief, Division of Water Rights, following a field investigation.

### **CONTACT PERSON**

To obtain additional information regarding this project, or to obtain copies of protest forms, or general information pamphlets, please contact Patricia Meroney by phone at (916) 341-5354 or by electronic mail at [pmeroney@waterboards.ca.gov](mailto:pmeroney@waterboards.ca.gov). Information and protest forms are also available at the Division's website: [www.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/).

Date of Notice: **July 28, 2006**

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